



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-3503 FAX (603) 271-2867



October 28, 2002

John E. Roberts  
PO Box 417  
Chocorua, NH 03817

Re: Notice of Proposed Administrative Fine and Hearing  
NO. AF 02-039

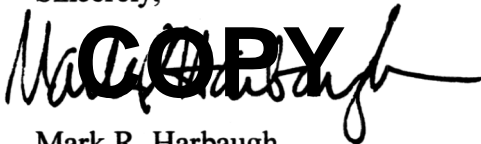
Dear Mr. Roberts:

On October 17, 2002, the Department of Environmental Services, Water Division ("the Division") forwarded to you by certified mail, Notice of Proposed Administrative Fine and Hearing No. AF 02-039. A typographical error was made on the first and fifth pages, erroneously stating a fine of \$1,600. This letter hereby clarifies that the Division is proposing that fines totaling **\$2,000** be imposed against you for the alleged violations.

I have enclosed corrected Pages 1 and 2 of AF 02-039 for your records.

If you have any questions, please do not hesitate to contact me at (603) 271-7509

Sincerely,

 **COPY**

Mark R. Harbaugh  
Enforcement Attorney

Certified Mail #7000 0600 0023 9936 5299

Enclosure

cc: Water Well Board  
Anthony P. Giunta, P.G., Administrator, WSEB  
Gretchen C. Rule, DES Legal Unit  
Anne Edwards, Esq. - AGO  
Jennifer J. Patterson, Esq. - AGO  
Harrison Mackey, Licensing Coordinator  
DES PIP Office  
(all w/enclosure)



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**NOTICE OF PROPOSED  
ADMINISTRATIVE FINE  
AND HEARING  
No. AF 02-039**

**October 17, 2002**

**I. INTRODUCTION**

This Notice of Proposed Administrative Fine and Hearing is issued by the Department of Environmental Services, Water Division ("the Division") to John E. Roberts, pursuant to RSA 482-B and Env-C 616. The Division is proposing that fines totaling **\$2,000** be imposed against John E. Roberts for the violations alleged below. **This notice contains important procedural information. Please read the entire notice carefully.**

**II. PARTIES**

1. The Department of Environmental Services, Water Division, is an administrative agency of the State of New Hampshire, having its principal office at 6 Hazen Drive, Concord, NH.
2. John E. Roberts is an individual having a mailing address of PO Box 417, Chocorua, NH 03817.

**III. SUMMARY OF FACTS AND LAW SUPPORTING CLAIMS**

1. RSA 482-B regulates water well contractors and pump installers and establishes the NH Water Well Board ("Board"). Pursuant to rulemaking authority conferred by RSA 482-B:4, the Board has adopted rules to implement this regulatory program (We 100 to 1000, "Water Well Rules"). Under RSA 482-B:8 and :16, the Department of Environmental Services ("DES") has concurrent authority with the Board to enforce RSA 482-B and the Water Well Rules.
2. RSA 482-B:16, II authorizes the Commissioner of DES to impose administrative fines of up to \$2,000 for each offense for violations of RSA 482-B or of any rule adopted or license issued under that statute. Pursuant to rulemaking authority contained therein, the Commissioner has adopted Env-C 616 to establish the schedule of fines for such violations.
3. On May 23, 2002, DES personnel observed John E. Roberts constructing a shallow dug well at the Woodland Toys Store located on Rte 25, South Tamworth, NH.
4. RSA 482-B:5 requires a person to obtain a water well contractor license and a pump installer license before engaging in the business of constructing a well or installing a pump.

**\*\*\* RETURN THIS PAGE ONLY \*\*\***

**JOHN E. ROBERTS IS REQUIRED BY LAW TO RESPOND TO THIS NOTICE.**

**PLEASE RESPOND NO LATER THAN NOVEMBER 18, 2002**

**Please check the appropriate line and fill in the requested information below.**

**APPEARANCE** On behalf of John E. Roberts,

**I request to have a formal hearing scheduled in this matter.**

**I request to have a pre-hearing conference scheduled in this matter.**

**I would like to meet informally to discuss the issues in this matter.**

**WAIVER OF HEARING** On behalf of John E. Roberts,

**I certify that I understand the right to a hearing regarding the imposition of the proposed administrative fine and that I hereby waive those rights. The fine payment in the amount of \$2,000 paid to "Treasurer, State of New Hampshire" is enclosed.\***

**Pursuant to Env-C 203.05 please provide the following information:**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

Name (please print or type): \_\_\_\_\_

Title: \_\_\_\_\_

Phone: \_\_\_\_\_

**RETURN THIS PAGE ONLY TO:**

**Department of Environmental Services  
Legal Unit  
6 Hazen Drive, P.O. Box 95  
Concord, NH 03302-0095**

*If payment is made by a check, draft, or money order that is returned due to insufficient funds, pursuant to NH RSA 6:11-a, DES may charge a fee in the amount of 5% of the face amount of the original check draft, or money order or \$25.00, whichever is greater, plus all protest and bank fees, in addition to collecting the amount of the original check draft, or money order*